

1 BARRY J. PORTMAN  
Federal Public Defender  
2 COLLEEN MARTIN  
Assistant Federal Public Defender  
3 555 - 12th Street  
Suite 650  
4 Oakland, CA 94607-3627  
Telephone: (510) 637-3500  
5  
Counsel for Defendant JUAN SANDOVAL-MACIAS  
6  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	CR 08-670 SBA [JL]
	)	
12 Plaintiff,	)	<b>AMENDED STIPULATION AND</b>
	)	<b>[PROPOSED] ORDER TO CONTINUE</b>
13 vs.	)	<b>PRELIMINARY HEARING FROM</b>
	)	<b>OCTOBER 1, 2008 TO OCTOBER 7, 2008</b>
14 LEOBREDO GARCIA-RODRIGUEZ,	)	
15 MARIA CHRISTINA RAMIREZ-GARCIA,	)	
JUAN SANDOVAL-MACIAS,	)	
	)	
16 Defendants.	)	
	)	

17  
18 It is hereby stipulated, by and between the parties, that the preliminary hearing or  
19 arraignment set for October 1, 2008, at 9:30 a.m. before Magistrate Judge Larson in San  
20 Francisco be vacated and that the matter be set for arraignment on an indictment on October 7,  
21 2008, at 10:00 a.m. before United States Magistrate Judge Wayne D. Brazil in Oakland.

22 Such continuance is required for effective preparation of the case. The government has  
23 provided discovery to the defense, including several hours of audio tapes. However, the audio  
24 tapes are in Spanish and must be translated. While the process is on-going, it is not yet  
25 completed and the parties have been informed that it is a lengthy process. The continuance is

1 permitted under 18 U.S.C. § 3161(h)(8) (A) & (B)(iv) to allow for the reasonable time necessary  
2 for effective preparation of the case.

3 The parties therefore respectfully request that the arraignment or preliminary hearing set  
4 for October 1, 2008 be vacated and that the matter be set for arraignment on October 7, 2008, at  
5 10:00 a.m. before United States Magistrate Judge Brazil in Oakland.

6  
7 DATED: September 26, 2008

\_\_\_\_\_/S/  
KIMBERLY BRIGGS  
Assistant United States Attorney

8  
9 DATED: September 26, 2008

\_\_\_\_\_/S/  
COLLEEN MARTIN  
Counsel for Juan Carlos Sandoval-Macias

10  
11 DATED: September 26, 2008

\_\_\_\_\_/S/  
RANDY MONTESANO  
Counsel for Leobredo Garcia-Rodriguez

12  
13 DATED: September 26, 2008

\_\_\_\_\_/S/  
ISMAIL RAMSEY  
Counsel for Maria Christina Ramirez-Garcia

14  
15 **ORDER**

16 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the arraignment or  
17 preliminary hearing date in this case, currently scheduled for October 1, 2008, at 9:30 a.m. in San  
18 Francisco for arraignment or preliminary hearing may be continued to October 7, 2008 at 10:00  
19 a.m. before Magistrate Judge Wayne D. Brazil in Oakland for arraignment.

20 IT IS FURTHER ORDERED that the time from October 1, 2008, to October 7, 2008,  
21 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
22 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel, including translation of  
23 Spanish-language audiotapes. The Court finds that the ends of justice served by the granting of  
24 the continuance outweigh the best interests of the public and the defendants in a speedy and  
25

1 public trial and the failure to grant the requested continuance would unreasonably deny counsel  
2 the reasonable time necessary for effective preparation, taking into account due diligence.

3 SO ORDERED.

4  
5 DATE: September 30, 2008

